

PR 3101 TMS/SSZ

STATE OF INDIANA)
) SS:
 COUNTY OF LAKE)

IN THE LAKE SUPERIOR/CIRCUIT COURT

Filed in Clerk's Office

CORNELIUS NNADI,
 ANN-JACQUELYNE NNADI
 and IKE EZIFE,

Plaintiffs,

v.

MENARD, INC.,

Defendant.

MAY 18 2009

Thomas F. Papp
 CLERK LAKE SUPERIOR COURT

CAUSE NO:

45D05 0905CT000 53

COMPLAINT

Come now Plaintiffs, CORNELIUS NNADI, ANN-JACQUELYNE NNADI and IKE EZIFE, by and through counsel, Anthony F. Tavitas, P.C., and for their Complaint against Defendant, MENARD, INC., allege and state as follows:

1. On or about October 3, 2007 (hereafter "Incident"), Plaintiffs, CORNELIUS NNADI and IKE EZIFE (hereafter "Plaintiffs"), were business invitees at the Menards store located at 6050 W. Ridge Road, City of Gary, County of Lake, Indiana 46408.
2. That Defendant, MENARD, INC. (hereafter "Defendant"), is a corporation that owns and/or manages the property located at 6050 W. Ridge Road, City of Gary, County of Lake, Indiana.
3. That at the time of the Incident, Defendant owed Plaintiffs a duty to keep its premises in a reasonably safe condition.

COUNT I - NEGLIGENCE

The Plaintiffs, CORNELIUS NNADI and IKE EZIFE, incorporate by reference all the above paragraphs as though fully set forth herein and state as follows:

4. That due to the negligence of Defendant and its employees, agents and/or assigns,

Plaintiffs sustained injuries to their persons when several Formica counter tops toppled from where they were displayed, landing on Plaintiffs.

5. That as a proximate result of Defendant's negligence, Plaintiffs sustained both temporary and permanent injuries, including an injury to Plaintiff's, CORNELIUS NNADI, hand that required rehabilitation and surgery.

6. That as a proximate results of Defendant's negligence, Plaintiffs suffered pain and mental anguish and will continue to suffer pain and mental anguish.

7. That as a proximate result of Defendant's negligence, Plaintiffs have incurred medical expenses for the injuries they sustained.

8. That as a proximate result of Defendant's negligence, Plaintiffs have incurred lost wages.

COUNT II - LOSS OF CONSORTIUM

The Plaintiff, ANN-JACQUELYNE NNADI, incorporates by reference all the above paragraphs as though fully set forth herein and states as follows:

9. That at the time of the Incident, Plaintiffs, CORNELIUS NNADI and ANN-JACQUELYNE NNADI, were married, and that they continue to be married.

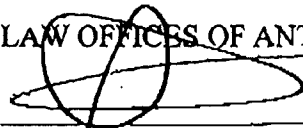
10. That as a result of the wrongful and negligent acts of Defendant, Plaintiffs, CORNELIUS NNADI and ANN-JACQUELYNE NNADI, were caused to suffer, and will continue to suffer in the future, loss of consortium, loss of society, affection, assistance and conjugal fellowship, all to the detriment of their marital relationship.

11. That all the aforesaid injuries and damages were caused solely and proximately by the negligence of Defendant.

WHEREFORE, Plaintiffs, CORNELIUS NNADI, ANN-JACQUELYNE NNADI and IKE EZIFE, pray for Judgment against the Defendant, MENARD, INC, in an amount which is reasonable and appropriate under the circumstances, for costs of this action and for all other just and proper relief in the premises.

Respectfully submitted,

LAW OFFICES OF ANTHONY F. TAVITAS, P.C.



Anthony F. Tavitas (#14669-45)
Philip T. King (#24263-45)
900 Ridge Road, Suite T
Munster, IN 46321
(219) 836-0900
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

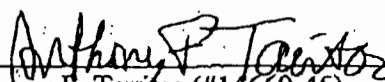
I certify that on the 19th day of May, 2009, service of a true and complete copy of the above and foregoing pleading or paper was made upon each party or attorney of record herein by depositing the same in the United States Mail in envelopes properly addressed to each of them and with sufficient first class postage affixed.

JURY DEMAND

COME NOW Plaintiffs, CORNELIUS NNADI, ANN-JACQUELYNE NNADI and IKE EZIFE, by counsel, and demand trial by jury as to all issues.

Respectfully submitted,

LAW OFFICES OF ANTHONY F. TAVITAS, P.C.


Anthony F. Tavit (#14669-45)

Philip T. King (#24263-45)

900 Ridge Road, Suite T

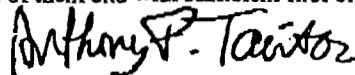
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Anthony F. Tavit